

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
MAY 2, 2002
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, May 2, 2002, at 6:00 p.m., in the Municipal Building, 45 East Broad Street. Invocation was given by Mayor Womack. Pledge of Allegiance was led by Mayor Womack. Mayor Womack then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

Also present: Jim Shipley, City Manager; Stephanie Miller, City Clerk; and Mike O'Mara, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Copeland made a motion, seconded by Vice-Mayor Grogan, to amend the agenda by changing amount in item 3 to \$1,350,000, combine items 9, 10 & 11, and move item 3 to after items 9/10/11. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF MINUTES
OF COUNCIL MEETING HELD ON
APRIL 18, 2002**

Vice-Mayor Grogan made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Councilman Copeland. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

The City Clerk announced that the motion carried.

NEW BUSINESS:

**CONSIDER RESOLUTIONS #R02-05-07,
& #R02-05-08, AMENDING TARGET
BENEFITS PENSION PLAN & TRUST
(AETNA RETIREMENT**

PARTICIPANTS ONLY)

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 2, 2002**

Councilman Jackson made a motion, seconded by Councilman Copeland, to adopt Resolutions #R02-05-07 & #R02-05-08. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

The City Clerk announced that the motion carried

**SET A DATE FOR A PUBLIC
HEARING ON ORDINANCE
#002-05-09, AMENDING THE
ZONING CODE FOR THE
CITY OF COOKEVILLE**

Mayor Womack set the date for June 6, 2002, @ 6:00 p.m.

**CONSIDER APPOINTMENT
TO HISTORIC ZONING
COMMISSION**

Councilman Jackson made a motion, seconded by Councilman Copeland, to appoint Mrs. Mary Jean Delozier to the Historic Zoning Commission for a 5-year term expiring 4-5-07, due to Mrs. Eunetta Jenkins term expiring. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R02-05-09,
AUTHORIZING THE CITY MANAGER
TO APPOINT PUBLIC BUILDING
AUTHORITY TO OVERSEE
OPERATIONS OF TOWN CENTRE**

MEMORANDUM

Item 7: Application for Public Building Authority

I received an application for the incorporation of a Public Building Authority from Jim Martin, Allen Ray, and Drue Huffines, for the purposes of establishing a tax-exempt, non-profit organization to operate and maintain the Town Centre. Pursuant to provisions of TCA 26-26-201 through 204, this application must be approved via resolution by the city council. There are several reasons to place the center under the supervision of a public building authority, some of which are:

1. The Chamber of Commerce is a non-profit organization, but is not exempt from sales taxes. The Chamber is going to be responsible for paying the operating expenses of the center, including utilities and liability insurance.
2. The chamber's staff is going to be responsible for running the Town Center, and the rental proceeds from the facility will be used to pay operating expenses. The facility needs to be removed from the political pressures that surely will arise as to its use.
3. Placing the facility under the auspices of a public building authority would remove the city and the county from any liability issues.
4. The facility's ability to allow users such as wedding receptions, business groups, etc. to serve alcoholic beverages. The use of the building would be severely limited if alcoholic beverages could not be served.

Tennessee Code Annotated, Section 26-26-208, requires the authority to consist of "any number of directors, not less than seven (7), all of whom shall be duly qualified electors of the municipality. The directors shall serve as such without compensation, except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. The directors shall be appointed by the chief executive officer, subject to confirmation of the governing body of the municipality, and they shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first board of directors, the chief executive officer of the municipality shall divide the directors into three (3) groups containing as near equal whole numbers as may be possible. The first term of the directors included in the first group shall be two (2) years, the first term of the directors included in the second group shall be four (4) years, the first term of the directors included in the third group shall be six (6) years, and thereafter the terms of all directors shall be six (6) years; provided, that if at the expiration of any term of office of any director a successor thereto shall not have been appointed, then the director whose term of office shall have expired shall continue to hold office until such director's successor shall be so appointed".

COOKEVILLE CITY COUNCIL
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The following qualified electors constitute my appointments to the public building authority, and I hereby ask for your ratification as required by state statute:

- | | |
|-------------------|-------------|
| 1. Melinda Swann | 2 year term |
| 2. Garry Floeter | 2 year term |
| 3. Sarah Johnson | 2 year term |
| 4. Clarence Smith | 4 year term |
| 5. Jim Martin | 4 year term |
| 6. Allen Ray | 4 year term |
| 7. Joe Albrecht | 6 year term |
| 8. Drue Huffines | 6 year term |
| 9. Eddie Turner | 6 year term |

I ask your approval of resolution # R05-02-09, and my appointments to the public building authority

Councilman Copeland made a motion, seconded by Councilman Jackson, to adopt Resolution #R02-05-09.

Mr. Danny Burgess, Mr. Eldon Leslie & various other citizens spoke concerning this matter.

Mayor Womack made a motion to amend the original motion by not allowing the serving of alcohol on the Town Centre premises.

The motion failed due to the lack of a second.

Councilman Jackson called for question, seconded by Vice-Mayor Grogan. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan

Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

Upon call for a vote on the original motion, the following voted aye:

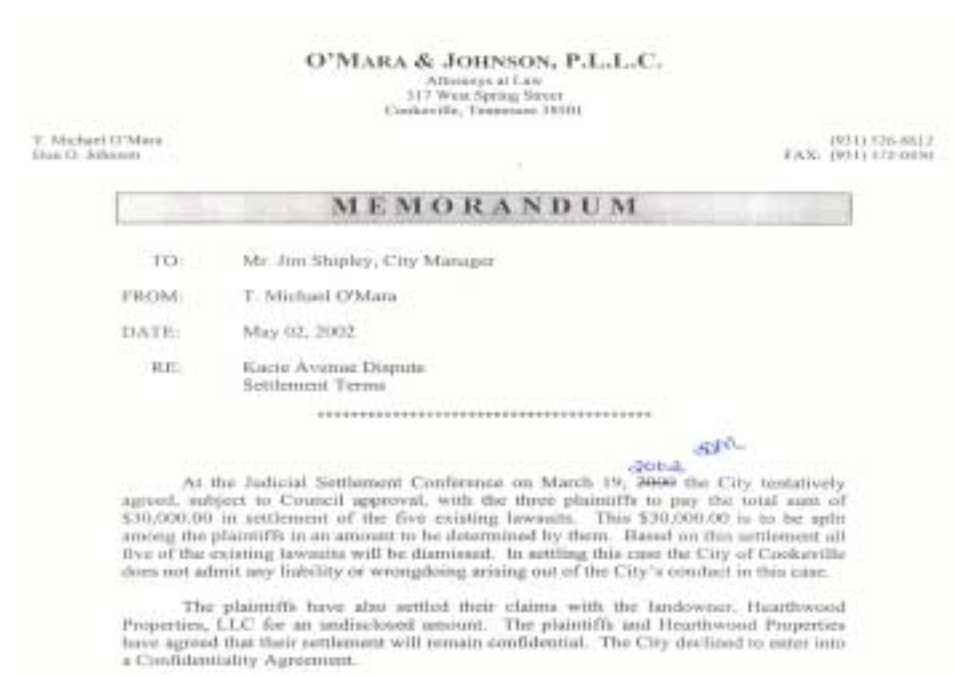
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

NAY: Mayor Charles Womack

The City Clerk announced that the original motion carried.

**COOKEVILLE CITY COUNCIL
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**CONSIDER AUTHORIZING
THE CITY MANAGER TO
CONCLUDE NEGOTIATIONS
FOR DISPOSITION OF
MEDIATION REGARDING
THE DEPARTMENT OF
CHILDREN’S SERVICES
FACILITY ON KACIE
AVENUE, SUBJECT TO
EXECUTION OF FORMAL
SETTLEMENT AGREEMENT**



Vice-Mayor Grogan made a motion, seconded by Councilman Copeland, to authorize the City Manager to negotiate settlement agreement on Kacie Avenue Law Suit. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan

Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

The City Clerk announced that the motion carried.

**CONSIDER AUTHORIZING
THE REALIGNMENT OF
JEFFERY CIRCLE, NORTH
OF NEAL STREET BY THE
CITY OF COOKEVILLE
PUBLIC WORKS DEPT.**

**COOKEVILLE CITY COUNCIL
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**CONSIDER AUTHORIZING
THE CITY OF COOKEVILLE'S
EXPENDITURES RELATIVE
TO IMPROVEMENTS TO
SOUTH MAPLE AVENUE**

**CONSIDER AUTHORIZING
THE CITY MANAGER TO
EXECUTE A CONTRACT
WITH CLINTON
ENGINEERING FOR
CONSTRUCTION
STAKEOUT OF JEFFERY
CIRCLE & SOUTH MAPLE
AVENUE**

<div> <div></div> <div>Jeffrey Circle/S. Maple</div> </div>	
Improvements - All Projects:	
• Access Rd -111 to S. Maple	\$445,000
• S. Maple -south of Neal	512,000
• Jeffrey Circle-north of Neal	90,000
• Engineering Fees	65,000
• ROW-south of Neal	57,500
• ROW-north of Neal	125,000
• FG/DACCO Drive	175,000
• Estimated Value of Fire Station	443,500
Total Improvements	\$ 1,913,000

City Expense:	
• Jeffrey Circle-north of Neal	\$90,000
• ROW-north of Neal	125,000
• City Cost for culvert-So of Neal	20,000
• Engineering Fees	65,000
• ROW-south of Neal	57,500
• Cost of pipes, fencing, stone	27,000
• FG/DACCO Drive	175,000
• Addition to Fire Station	<u>193,500</u>
Total City Expense	\$ 753,000
\$350,000 budgeted to build fire station	Savings to City: \$1,160,000

South of Neal Total Costs:	
Highways Estimate	\$540,000
Add: ROW	57,500
Add: Engineering & Staking	44,000
Less: Savings on Culvert	-28,000
Less: Credit for dirt	-40,000
Less: SMBC commitment	<u>-125,000</u>
Total City Cost south of Neal	\$ 148,500

COOKEVILLE CITY COUNCIL
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<div> <div></div> <div>Jeffrey Circle/S. Maple</div> </div>	
North of Neal Total Costs:	
City Estimate - in house project	\$90,000
Add: ROW	125,000
Add: Engineering and Staking	21,000
Total City Cost - North of Neal	\$ 236,000

- Total Project from Highway 111 to Sylvan Learning Center is approximately 6,600 linear feet. Normal road construction is usually estimated to cost somewhere around \$175 per lf. The city's cost for this 6,600 lf will be about \$58 per foot.

- Including ROW, the South Maple project is estimated to cost \$575,500. SMBC is "granting to the city" 76% of that cost. If the city could have obtained a state or federal grant of 76%, we'd have jumped on it.

- We are not participating in this project to help a developer. I do not think the developer cares if this road is improved; he got what he needed when he got access to Highway 111.

**COOKEVILLE CITY COUNCIL
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...

Jeffrey Circle/S. Maple

- Take the developer out of the equation.
South Maple is probably the worst street in town that handles 2,500 cars a day.
- If we do not do this project now, someday, some city council will have to appropriate the entire \$500,000 to improve South Maple.



Councilman Jackson made a motion, seconded by Councilman Copeland, to authorize the realignment of Jeffery Circle, North of Neal Street; authorize expenditures for improvements to South Maple Avenue; and authorize City Manager to execute a contract for construction stakeout of Jeffery Circle/South Maple Avenue as recommended.

Councilman Jackson called for question, seconded by Vice-Mayor Grogan. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

Upon call for a vote on the original motion, the following voted aye:

Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

NAY: Mayor Charles Womack

The City Clerk announced that the original motion carried.

**CONSIDER RESOLUTIONS #R02-05-05
& #R02-05-06, AUTHORIZING THE
INCURRENCE OF INDEBTEDNESS
BY THE CITY OF COOKEVILLE,
TN, OF NOT TO EXCEED
\$1,350,000 & EXECUTION OF
LOAN AGREEMENTS FOR
CERTAIN PUBLIC WORKS
PROJECTS**

Councilman Jackson made a motion, seconded by Vice-Mayor Grogan, to adopt Resolutions #R02-05-05 & #R02-05-06. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

The City Clerk announced that the motion carried.

**CONSIDER APPOINTMENT
OF CITY ATTORNEY**

**COOKEVILLE CITY COUNCIL
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Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

CONSIDER AWARDING BID FOR OFF ROADWAY LUMINAIRES – ELECTRIC DEPARTMENT

[illegible]

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

Mayor Womack announced that Cookeville Regional Medical Center was featured in a story in U. S. News & World Report.

**COOKEVILLE CITY COUNCIL
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There being no further business to discuss, Vice-Mayor Grogan made a motion, seconded by Councilman Henry, to adjourn the meeting at 8:30 p.m. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Richard Grogan
Councilman Steve Copeland
Councilman Dwight Henry
Councilman Harold Jackson

The City Clerk announced that the motion carried.

Charles Womack, Mayor

ATTEST:

Stephanie Miller, City Clerk